

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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|---|----------------------------|
| IAN FOLEY,<br><br>Plaintiff,<br><br>v.<br><br>BON TOOL COMPANY,<br><br>Defendant. | Case No. 1:22-cv-00813-JLS |
|---|----------------------------|

**NOTICE OF DISMISSAL PURSUANT TO RULE 41(a)(1)**

1. Whereas Plaintiff Ian Foley filed the above-referenced case against Defendant Bon Tool Company on October 28, 2022.

2. Whereas Defendant has not yet answered Plaintiff's complaint, and thus dismissal is appropriate without Court order, pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1)(A)(i).

3. Accordingly, pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1)(A)(i), Plaintiff hereby dismisses the complaint with prejudice.

Dated: January 31, 2023

Respectfully Submitted,

/s/ Benjamin J. Sweet

Benjamin J. Sweet

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**CERTIFICATE OF SERVICE**

I certify that on the 31<sup>st</sup> day of January, 2023, the foregoing document was electronically filed through the Court's CM/ECF system, which will send notification of such filing to all counsel of record, and I also certify that I am providing a copy to those parties not receiving CM/ECF notifications at this time.

/s/ Benjamin J. Sweet

Benjamin J. Sweet